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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BOUTAH, ALINA A

ART UNIT PAPER NUMBER

2143

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/530,931

Applicant(s)

ALTER, MEIR

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 20-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 8/31/04 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to Applicant's amendment filed August 31, 2004. Claims 1-6 and 20-24 have been rejected; claims 25-34 have been newly added. Claims 1-6 and 20-34 are pending in the present application.

### ***Drawings***

Due to applicant's amendment, the objection to the drawing is now withdrawn.

### ***Claim Rejections - 35 USC § 112***

Due to applicant's response, the rejection of claims 21-23 under 35 U.S.C. 112, first paragraph is now withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Using Netscape™ 2* by Mark Brown in view of USPN 6,145,002 issued to Srinivasan.

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(Amended) Regarding claim 1, Brown teaches a system for connecting to internet service providers via networking circuitry, the system comprising:

a user interface operative to display information regarding a plurality of internet service providers including quality of service information and to accept a user's choice of an internet service provider from among the plurality of internet service providers, thereby to define a user-selected internet service provider (page 144); and

a configuration operative to connect the user to the user-selected internet service provider by generating an on-the-fly configuration of the networking circuitry (page 141-142).

However, Brown fails to explicitly teach disconnecting said user from said user-selected internet service provider upon receipt of a disconnect signal from said user. Srinivasan teaches disconnecting a user from a user-selected internet service provider upon receipt of a disconnect signal from said user (figure 2; col. 4, lines 56-62; col. 9, lines 55-64). At the time the invention was made, one of ordinary skill in the art would have been motivated to disconnect a user from a user-selected internet service provider upon receipt of a disconnect signal from said user in order to prevent the user from being connected to the ISP indefinitely, thus ensuring that the user does not get billed unnecessarily.

Regarding claim 2, Brown teaches a system according to claim 1 wherein the user interface comprises a web-based display (page 143, figure 6.12).

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Regarding claim 3, Brown teaches a system according to claim 1, wherein the user interface comprises a display of at least some of the plurality of Internet service providers (page 144).

Regarding claim 4, Brown teaches a system according to claim 1 and also comprising user identification apparatus operative to identify the user (page 144, step 10).

Regarding claim 5, Brown teaches a system according to claim 4 and wherein the user identification apparatus is operative to identify the user based on a telephone number by the user to establish a connection with the system (pages 142-143, steps 2-6).

(Amended) Regarding claim 6, Brown teaches a method for connecting to internet service providers via networking circuitry, the method comprising:

displaying information regarding a plurality of internet of internet service providers including quality of service information (page 144);

accepting a user's choice of an internet service provider form among the plurality of internet service providers, thereby to define a user-selected internet service provider (page 144);  
and

connecting to the user to the user-selected internet service provider by generating an on-the-fly configuration of the network circuitry (page 141-142).

However, Brown does not explicitly teach subsequently disconnecting said user from said user-selected internet service provider upon receipt of a disconnect signal from said user.

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Srinivasan teaches subsequently disconnecting a user from a user-selected internet service provider upon receipt of a disconnect signal from said user (figure 2; col. 4, lines 56-62; col. 9, lines 55-64). At the time the invention was made, one of ordinary skill in the art would have been motivated to disconnect a user from a user-selected internet service provider upon receipt of a disconnect signal from said user in order to prevent the user from being connected to the ISP indefinitely, thus ensuring that the user does not get billed unnecessarily.

(New) Regarding claim 25, Brown does not explicitly teach a system according to claim 1 and wherein said configuration includes an IP address. Srinivasan teaches a configuration including an IP address (col. 1, line 55-58). At the time the invention was made, one of ordinary skill in the art would have been motivated to include an IP address in the configuration in order to ensure that the user is connecting to the correct ISP by the specific IP address.

(New) Regarding claim 26, Brown does not explicitly teach a system according to claim 25 and wherein said IP address is selected from a pool of available IP addresses associated with said user-selected Internet service provider. Srinivasan teaches selecting IP address from a pool of available IP addresses (col. 1, lines 55-58). At the time the invention was made, one of ordinary skill in the art would have been motivated to select an IP address from a pool of available IP address in order to ensure that the user can be connected to the internet should one IP become unavailable.

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(New) Regarding claim 27, a system according to claim 26, and wherein said configuration is operative to remove said IP address from said pool of available IP addresses when connecting said user to said user-selected Internet service provider and to return said IP address to said pool of available IP addresses when disconnecting said user from said user-selected Internet service provider, thus maximizing the ISP's efficiency.

(New) Regarding claim 28, Brown fails to teach a system according to claim 1 and also comprising an accounting manager operative to monitor when said configurator connects said user to said internet service provider and when said configurator disconnects said user from said internet service provider. Srinivasan teaches an accounting manager operative to monitor when said configurator connects said user to said internet service provider and when said configurator disconnects said user from said internet service provider (col. 4, lines 56-62). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ an accounting manager in order keep track of user's connection time, therefore allowing the ISP to bill the user according to his or her usage time.

(New) Regarding claim 29, Brown fails to teach a system according to claim 1 and wherein: said disconnect signal is a user selection of a different internet service provider from said plurality of internet service provider; and said configurator is operative to connect said user to said different internet service provider, subsequent to said disconnect. Srinivasan teaches said disconnect signal being a user selection of a different internet service provider from said plurality of internet service provider; and said configurator being operative to connect said user to said

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different internet service provider, subsequent to said disconnect (figure 2; col. 4, lines 56-62; col. 9, lines 55-64). At the time the invention was made, one of ordinary skill in the art would have been motivated to incorporate the teaching of Srinivasan into the teaching of Brown in order to ensure that the user can be connected to the internet should one ISP become unavailable, thus maximizing its efficiency.

Claims 30-34 are similar to claims 25-29, therefore are rejected under the same rationale.

Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of USPN 5,951,644 issued to Creemer.

Regarding claim 20, Brown fails to explicitly teach a system according to claim 1 and also comprising an on-the-fly ISP performance monitor operative to monitor performance of at least one ISP on the fly and to supply at least one quality of service parameter to the user interface of display. Creemer teaches an ISP performance monitor operative to monitor performance of at least one ISP on the fly and supply at least one quality of service parameter to the user interface of display (col. 5, line 49 - col. 6, line 5). At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teachings of Brown and Creemer in order to keep track of the resource utilization at the ISP, thus maximizing the system's efficiency.

Regarding claim 21, Brown fails to explicitly teach a system according to claim 1 and also comprising an infrastructure leaser operative to lease network infrastructure to at least one



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internet service provider. Creemer teaches an infrastructure leaser operative to lease network infrastructure to at least one internet service provider (col. 1, lines 42-43, col. 8, lines 29-34). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ an infrastructure leaser in order to allow the ISP to connect to the internet, therefore ensuring the system's functionality.

Regarding claim 22, Brown fails to explicitly teach a system according to claim 21, wherein the infrastructure leaser is operative to lease network infrastructure to at least one internet service provider from among said plurality of internet service providers. Creemer teaches the infrastructure leaser operative to lease network infrastructure to at least one internet service provider from among said plurality of internet service providers (col. 1, lines 42-43, col. 8, lines 29-34). At the time the invention was made, one of ordinary skill in the art would have been motivated to employ an infrastructure leaser in order to allow the ISP to connect to the internet, therefore ensuring the system's functionality.

Regarding claim 23, Brown fails to explicitly teach a system according to claim 21 and also comprising a resource utilization monitor operative to record information regarding occurrence of at least one of the following situations with respect to network infrastructure leased by at least one internet service provider: underutilization of the infrastructure leased by the at least one internet service provider; and overutilization of the infrastructure leased by the at least one internet service provider. Creemer teaches a resource utilization monitor operative to record information regarding occurrence of utilization of the infrastructure leased by the at least

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one internet service provider (col. 1, lines 42-43, col. 5, line 49 - col. 6, line 5, col. 8, lines 29-34). At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teachings of Brown and Creemer in order to keep track of the resource utilization at the ISP, thus maximizing the system's efficiency.

Regarding claim 24, Brown teaches a system according to claim 23 wherein said recording step is performed on the fly (pages 141-146).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

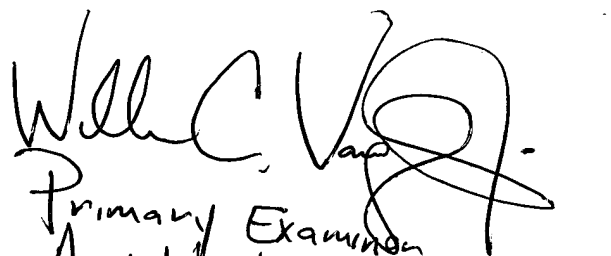
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Thursday (9:00 am - 7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANB



Primary Examiner  
Art Unit 2143  
William C. Vaughn, Jr.